

MARK SCHORDOCK - 11/9/2016
CORP. REP. OF GC SERVICES LIMITED PARTNERSHIP

1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE
3 DISTRICT OF NEW MEXICO

4 JANINE LaVIGNE)
5 Plaintiff,)
6 VS.) Civil Action No.:
7 FIRST COMMUNITY) 15-cv-00934(kk)(lf)
8 BANCSHARES, INC.,)
9 FIRST NATIONAL BANK)
TEXAS,)
Defendant.)

10 *****
11 ORAL DEPOSITION OF
12 MARK SCHORDOCK
13 CORPORATE REPRESENTATIVE OF
GC SERVICES LIMITED PARTNERSHIP
14 November 9, 2016
15 *****

16 ORAL DEPOSITION OF MARK SCHORDOCK,
17 CORPORATE REPRESENTATIVE OF GC SERVICES LIMITED
18 PARTNERSHIP, produced as a witness at the instance
19 of the PLAINTIFF, and duly sworn, was taken in the
20 above-styled and numbered cause on November 9, 2016,
21 from 12:45 p.m. to 3:32 p.m., by machine shorthand
22 before MICHELLE R. PROPPS, CSR, in and for the State
23 of Texas, reported at the offices of Hanna & Hanna,
24 8582 Katy Freeway, Houston, Texas, pursuant to the
25 Federal Rules of Civil Procedure and the provisions
stated in the record or attached hereto.

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EXHIBIT 5

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1 courtesy calls? What do they entail?

2 A. We get, you know, a listing of accounts
3 every night from the client. They get loaded
4 automatically to a predictive dialing system.
5 Agents are then on the phone, the dialer dials. And
6 when a right party contact or contact comes through,
7 they get the voice in their ear and information
8 about the customer's overdraft and their identity on
9 the screen.

10 Q. So every night a list is provided by
11 First National Bank Texas of accounts and phone
12 numbers that are then loaded to the predictive
13 dialer, which then dials them throughout the next
14 day and routes them to an agent if there's a
15 contact?

16 A. Yes. Every day -- I don't believe we
17 get one Saturday night or -- to do because we don't
18 call on Sundays, but six days a week.

19 Q. Thank you for that clarification. You
20 said "every day." Is it every day? Is it most
21 days? Are there days that there are no lists
22 provided?

23 A. Every day we make calls.

24 Q. The -- the calls that are made, you said
25 they're loaded into the predictive dialer. Which

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1 MR. HELFAND: I'm going to object to
2 vague as to "later on."

3 Q. (By Mr. Taylor) That day.

4 A. I'm sorry. Can you repeat that?

5 Q. Sure. So if the first call in the day
6 goes to an answering machine, will the Aspect dialer
7 make a second call later on in the day?

8 A. Depending on the parameters set for it,
9 yes.

10 Q. And the -- how does the system determine
11 that it's made a contact with a person?

12 A. By a system release code.

13 Q. Can you explain that a little bit? What
14 is a system release code?

15 A. The dialer releases it as a number or a
16 disposition. And depending on that disposition and
17 the settings on the dialer, it would make either
18 another call to that same number later or move on to
19 No. 2, depending on the result.

20 Q. So, is it that the dialer can tell when
21 someone picks up the phone and it's -- rather than
22 when an answering machine --

23 A. Correct.

24 Q. Okay. And if it senses that someone
25 picks up a phone, it will enter -- it will trigger

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1 one of these codes, which will then route it to an
2 available agent.

3 A. If it gets -- if somebody answers, it
4 will pass it to an agent that's available, but if it
5 is a disconnected number, for instance, it would not
6 pass it -- or shouldn't pass it to an agent.

7 Q. Okay.

8 A. And then it would be assigned a number,
9 a code.

10 Q. It will assign a code to say that's what
11 happened?

12 A. Yes.

13 Q. When GC Services was making these
14 courtesy calls, was it -- when there was contact,
15 was it identifying itself as GC Services on the
16 calls?

17 A. No.

18 Q. It was identifying itself as First
19 National Bank Texas?

20 A. Could be any of the other affiliates.

21 Q. Which affiliates?

22 A. First Convenience Bank and Fort Hood
23 National Bank.

24 Q. And for the call log that was produced
25 in this case -- and by that I mean the -- there's a

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1 Q. Right. And I think, hopefully, we'll be
2 able to clear some of that up. So, what is -- and
3 there's two pages to this document as well.

4 What is this?

5 A. It's a -- the first page is dials. It
6 comes off of a dialer report. And this would be the
7 telephone number dialed, the date and time that it
8 was dialed and then the way that it was
9 dispositioned as a result of that dial.

10 Q. And what's the second page?

11 MR. HELFAND: This second page is
12 not the one we clawed back, is it?

13 MR. TAYLOR: It should not be.

14 MR. HELFAND: Okay. I can't recall.
15 I'm going to rely on you for that right now.

16 MR. TAYLOR: And if there is an
17 issue with that, you let me know.

18 MR. HELFAND: I sure will.

19 MR. TAYLOR: But it should not be
20 one that was clawed back.

21 MR. HELFAND: Okay.

22 Q. (By Mr. Taylor) And the second page?

23 A. The second page is a different dialer
24 report and -- that's got the date that the call
25 started. It's got the number that was dialed, the

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1 gets split into campaigns. And then that's what the
2 agent would see when the voice is in their ear.

3 Q. Okay. And campaigns, what do you mean
4 when you say campaigns?

5 A. Well, we could have a -- you know, for
6 instance, in the -- you know, there's three
7 different time zones that the bank has customers in
8 predominantly; Central, Mountain and Pacific --
9 well, Pacific half the year, zone is not there,
10 they're Mountain half the year. But -- so we'll
11 run -- you know, in the morning, we won't be running
12 the West Coast ones, for instance. So that would be
13 a different campaign. So we would take only Central
14 time zone and East accounts starting at 8:00 a.m.
15 Central time.

16 Q. So when you say "Campaign," then, you
17 mean the programmed logic --

18 A. Yes.

19 Q. -- as to how calls are going to be
20 placed.

21 A. Correct.

22 Q. And that's a campaign that's programmed
23 into and ran through the Aspect system?

24 A. Yes.

25 Q. So on this -- on the first page, we have

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1 here on the left-hand side, Employee Number.

2 A. Uh-huh.

3 Q. The left column. And that's the --
4 well, tell me again. What is that?

5 A. That's the employee number of the agent
6 that got the call passed to them in their headset.

7 Q. And Account Number is blacked out here.

8 But presumably, that's the associated account number
9 provided by First National Bank Texas --

10 A. For the customer, yeah.

11 Q. Thank you. Just so the record is clear
12 on that -- we talked over each other again there --
13 that's the associated account number for the First
14 National Bank Texas customer that's provided to GC
15 Services. Correct?

16 A. Yes.

17 Q. And Call Type, what does that mean?

18 A. It's just that it's going across a long
19 distance trunk is -- AOD is a long distance trunk,
20 so it's hooked to T-1s. But in instances where we
21 have local campaigns, it might be hooked to a local
22 trunk. In the case of the bank, I mean, they're all
23 going to be long distance trunks.

24 Q. So, what does Call Type mean? Call Type
25 means which --

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1 A. Whether it's going over a long distance
2 trunk or through local lines where you don't pay by
3 the minute.

4 Q. And for First National Bank Texas, it
5 would be all long distance?

6 A. Yes.

7 Q. And Number is the phone number that is
8 dialed by the Aspect system?

9 A. Correct.

10 Q. Date and Time is the date and time of
11 the call made?

12 A. Yeah. And I don't know if that's
13 origination or termination, but the -- from this
14 report, I mean, you get -- there's some that have
15 both.

16 Q. Can you explain what you mean by
17 "origination or termination"?

18 A. Well, when the digits are dialed and it
19 gets turned over until the point that either the
20 predictive dialing system determines it's one not to
21 get passed to an agent and stops the line or the
22 agent is done with the line. So I don't know if
23 this is the time -- where it just says date and
24 time, I'm not sure whether it's the time the call
25 was launched or when the time the call was

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1 completed.

2 Q. Okay. And Disposition, what does that
3 signify?

4 A. Disposition is going to be the verbal
5 description of the way it was released.

6 Q. What do you mean by that, "the verbal
7 description of the way it was released"?

8 A. The -- you know, when the -- the agent
9 has some choices on ways that it's released and the
10 system has some choices on -- depending on what the
11 outcome or what it heard from the call to release
12 it.

13 Q. So, what does "Answering Machine"
14 signify?

15 A. The first line, where there's no
16 employee number, there's -- that was never passed to
17 an employee because it wouldn't be matched. So that
18 was an answering machine that was not passed
19 through. So we detected an answering machine,
20 choosing not to leave a message, it disconnected the
21 line and then went about its dialing pattern.

22 Q. So that's the Aspect system selecting
23 that disposition code.

24 A. Yes.

25 Q. And "Bad/Wrong Number," what does that

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1 signify?

2 A. A bad/wrong number in the second line
3 is -- could be customer not home, junior, senior,
4 could be a -- an IVR, could be a fax tone, could be
5 a lot of different things that get lumped into that.
6 So the agent has it that it's not a customer on the
7 line and they have the ability to release it as
8 that.9 Q. So the agent is selecting -- tell me
10 how -- can you explain a little bit more? What is
11 it that they're doing to select bad/wrong number?12 A. When they get the voice on the line,
13 they're -- either there's somebody there or there's
14 not somebody there, or there's a tone there or it's
15 a -- asking them for a response. And depending on
16 what they hear, they could release it as -- you
17 know, if you and I chatted and you said you would go
18 into the bank today and make a deposit to solve your
19 overdraft, I might release it as a promise or a --
20 somebody that would take -- that you were going to
21 come in and take care of it. If you said you didn't
22 have any money and weren't going to do it, then the
23 release code would be, Right party, no -- no
24 promise. So they've got a handful of different
25 things that they can select.

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1 Q. And so for these -- so looking at
2 Plaintiff's 3, there was a -- according to this
3 document, the bad/wrong number disposition was
4 entered on 7 -- well, according to this document, it
5 was entered on 5-23-2014 first and then entered
6 every subsequent time that it's indicated here.
7 Correct?

8 MR. HELFAND: I object to the
9 vagueness of "entered every subsequent time."
10 Bad/wrong number is not on every disposition.

11 MR. TAYLOR: I said every time it's
12 indicated here.

13 MR. HELFAND: Oh.

14 Q. (By Mr. Taylor) The confusion there may
15 be that the date I mentioned is on the bottom.

16 A. Yeah. Yes. Every one that has an
17 employee number would be where it got to the agent
18 or was released as bad/wrong number.

19 Q. And when somebody says, I don't want
20 calls from -- I don't want these courtesy reminder
21 calls, is that indicated by the agent as bad/wrong
22 number?

23 A. No. There would be a -- a release key
24 to cease and desist with the customer.

25 Q. There would be a release key to cease

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1 and desist with the customer?

2 A. Uh-huh.

3 Q. But if the person said just, Wrong
4 number, there wouldn't be a release key to cease and
5 desist for that number?

6 A. No.

7 Q. And what other circumstances are there
8 that the bad/wrong number would be -- disposition
9 code would be entered?

10 A. I mean, I certainty can't give you an
11 exhaustive list, but I can give you some examples.
12 You get a lot of junior and senior.

13 Q. What does that mean?

14 A. You must be looking for junior, this is
15 his parents' house, he moved out two years ago:
16 Bad/wrong number.

17 A lot of numbers can be places of
18 employment. A lot of these towns are small towns,
19 so you've got the HEB grocery store in Central
20 Texas, we have -- that number's in there a bunch of
21 times. So they used to work here, but they don't
22 work here any longer: Bad/wrong number. But that
23 number could be on hundreds of accounts. So, you
24 know, that -- that would pare that away.

25 You get -- a lot of them are privacy

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1 A. No. They wouldn't -- no.

2 Q. What do you mean "No," just so we're
3 clear?

4 A. I mean, they wouldn't send a prior
5 result code back in the next download.

6 Q. Okay. So if you sent a cease and desist
7 order back with the number, you may get the number
8 back again?

9 A. I don't know that we would. I mean,
10 clearly we do on a bad/wrong number. I've not ever
11 seen a cease and desist come back, but that doesn't
12 mean it doesn't happen.

13 Q. Okay. Do you know if a cease and desist
14 was ever sent to the bank on the calls to this
15 number here reflected in Plaintiff's 3?

16 A. No. You can only have one disposition
17 for a call.

18 Q. Okay. And other than on Plaintiff's 3,
19 in any of the records you've seen for calls to this
20 4951 number, have you seen any cease and desist
21 directives?

22 A. No.

23 Q. What would those look like if you were
24 to see it?

25 A. The verbiage would be cease and desist

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1 or C&D.

2 Q. Okay. And let's turn to the second page
3 of Plaintiff's 3.

4 A. (Complies.)

5 Q. And this is a dialer report with some
6 more granular detail; is that right?

7 A. It's got some dialings and it's got some
8 sort of a conversion that gives you what the result
9 codes were by different -- the talk time is
10 calculated and then there's an agent disposition or
11 a switch disposition that's made into a number from
12 the verbiage that's on the prior report.

13 Q. So let's just go through the columns
14 again.

15 A. Okay.

16 Q. Starting on the left, "cdseqnum," do you
17 see that?

18 A. Yeah.

19 Q. What does that signify?

20 A. That's just a sequence number the
21 dialer -- that tracks the activity of the dialer.

22 Q. So that's the --

23 A. Just a system --

24 Q. -- call number?

25 A. Yeah. Yes.

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1 same question, which was, what might be the reason
2 or reasons that someone would list bad or wrong
3 number when somebody calls in. That's the question
4 you asked and he was answering.

5 Q. (By Mr. Taylor) Are there any other
6 reasons you want to add to that?

7 A. It could be, you know, a telephone call
8 and the person doesn't live there anymore. It could
9 be giving you a different number to reach me at or
10 to reach the customer at. There could be a list --
11 whole list on the inbound side.

12 Q. Any other reasons?

13 A. I can't say it's exhaustive. But I
14 mean, if somebody calls in and says that I used to
15 live here, or, I just got this phone number
16 assigned, I just moved here. I mean, there could be
17 a lot of reasons. But, basically, they're saying
18 they got a call from -- and who we're trying to
19 reach is not there.

20 Q. Okay. And before you talked to -- you
21 did say that GC Services doesn't leave messages.

22 Right?

23 A. Correct.

24 Q. So in this situation, it's somebody
25 presumably looking at their caller ID --

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1 A. Yes.

2 Q. -- and seeing the number and then
3 calling back.

4 A. Yes.

5 Q. And then this disposition code is
6 entered?

7 A. Yes. And, I mean, it could be somebody
8 calling off of a letter that they got from the bank
9 at that address, or a statement. I mean, it could
10 be a lot of reasons.

11 Q. How they get the GC Services number that
12 they call, you're saying?

13 A. Well, yeah. It's a bank phone number
14 that gets called, so...

15 Q. Sure. My point is that you're
16 referencing these other documents as how someone --
17 other than just looking at the caller ID, how
18 someone finds the number.

19 A. Yes.

20 Q. Okay. When you say it's a bank number,
21 what do you mean?

22 A. The -- I mean, if you -- when it gets
23 outpulsed, when it goes to -- like, if you have
24 caller ID, it does not ring GC Services that is the
25 one calling you, it will say First National Bank

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1 whatever they're going to represent has to be -- you
2 would have to know that for it to work.

3 A. Yeah.

4 Q. Okay. I have no further questions.

5 Thank you for your time today, sir.

6 EXAMINATION

7 QUESTIONS BY MR. WILLIAM HELFAND:

8 Q. Mr. Schordock, I just wanted to clear up
9 three things real quickly.

10 Earlier, you told counsel of some of
11 the reasons why GC Services human personnel might
12 code something bad/wrong number. If -- if I got a
13 call and I said, It's me -- counsel's suggestion or
14 hypothetical -- It is Lucinda, and I am a customer
15 of the bank, but this isn't a good number to call me
16 at, call me at a different number, how would the
17 person code that in the system.

18 A. Bad/wrong number.

19 Q. The only other two things I wanted to
20 ask you about was -- oh, you said that the
21 parameters for this were no more than five calls per
22 account per day, but no more than three calls to one
23 number for that account; is that correct?

24 A. Yes.

25 Q. Okay. Does -- if the system calls and

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